

IN THE
UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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ALEC J. MEGIBOW, M.D., as assignee of
Jennie Rosario, a/k/a Jenny Rosario,
08 CV 519 (NDNY),

Plaintiff

Civil Action No.
09 cv 6993 (AKH)(RLE)

-v-

Fred Hagen, Chief Benefits Officer,
1199SEIU BENEFIT & PENSION FUNDS,
as duly authorized designee of the Board of Trustees
of the 1199SEIU Benefit Fund for Health and Human
Service Employees,

Defendant.

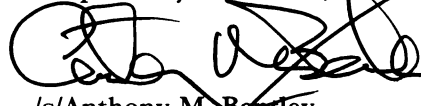
NY COUNTY CLERK INDEX NO.106627/09

NOTICE OF MOTION

PLEASE TAKE NOTICE PURSUANT TO Local Civil Rule 6.1(b) that, upon the accompanying declaration of Anthony M. Bentley and plaintiff's memorandum of law, both subscribed August 16, 2009 in support of plaintiff's motion to: (a) remand the action, or, in the event denied, (b) transfer venue to the Northern District of New York, there to reopen and consolidate with closed case 08 cv 519 (NDNY), plaintiff will move this Court on September 8, 2009, before the Honorable Alvin K. Hellerstein, United States District Judge, United States Courthouse, 500 Pearl Street, New York New York, 10007, pursuant to Judge Hellerstein's Individual Practice Rule 2.D, for an order pursuant to Title 28 United States Code § 1446(b) remanding this action to Supreme Court, NY County, together with costs and counsel fees or, in the alternative, (if denied), transferring venue hereof pursuant to Title 28 United States Code § 1404(a) to the District Court of the Northern District of New York.

Dated:
New York NY
August 16, 2009

Respectfully submitted,



/s/Anthony M. Bentley

Anthony M. Bentley #AB1853

A. M. Bentley, P.C.

Plaintiff's Counsel

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